

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

GEORGE EUGENE IRVIN,

Plaintiff,

V.

DR. ROBINSON, *et al.*,

Defendants.

Case No.: 5:19-cv-0720-LCB-GMB

ORDER

On January 25, 2021, U.S. Magistrate Judge Gray M. Borden issued a Report and Recommendation in accordance with 28 U.S.C. § 636(b)(1) recommending (1) that the motions for summary judgment filed by Jerry E. Robbins, MD¹ (Doc. 20) and Prem Gulati, MD; Taylor McElroy, RN; and Tamara Jones, RN (Doc. 21) be granted;² (2) that all federal claims in this action be dismissed with prejudice; and (3) that the Court, in accordance with 28 U.S.C. § 1367(c)(3), decline to exercise supplemental jurisdiction over plaintiff George Eugene Irvin's state-law claim for medical malpractice. (Doc. 23). No party has objected to the Report and Recommendation.

¹ In the Amended Complaint (and thus the caption), Jerry E. Robbins, MD is incorrectly identified as "Dr. Robinson." (Doc. 11).


² Documents 20 and 21 were filed by order of the Magistrate Judge as Special Reports. (Doc. 15). By further order of the Magistrate Judge, these special reports were deemed—and are thus now construed as—motions for summary judgment. (Doc. 22).

If a party objects to a portion of a Magistrate Judge's report or proposed findings or recommendations, the District Court must conduct a de novo review of those portions of the report to which the party has specifically objected. 28 U.S.C. § 636(b)(1). Unchallenged portions of a Magistrate Judge's report are reviewed for clear error. *See LoConte v. Dugger*, 847 F.2d 745, 750 (11th Cir. 1988).

Having reviewed the proposed findings and recommendations for clear error, the Court concludes that the Magistrate Judge's Report and Recommendation (Doc. 23) should be **ACCEPTED** and hereby **ADOPTS** it as the findings of the Court. The defendants' motions for summary judgment (Docs. 20 and 21) are therefore **GRANTED**; all federal claims are **DISMISSED WITH PREJUDICE**; and Irvin's state-law medical malpractice claim is **DISMISSED WITHOUT PREJUDICE**.

The Clerk of Court is **DIRECTED** to close the case.

DONE and **ORDERED** this February 17, 2021.



LILES C. BURKE
UNITED STATES DISTRICT JUDGE